



10041332430

INCORPORATED SOCIETIES ACT 19

Initials

I, IAN NIGEL STIRLING of Lower Hutt, Solicitor do solemnly and sincerely declare as follows:

- 1 I am a Barrister and Solicitor of the High Court of New Zealand and I am also Chairman of Hutt Old Boys Marist Rugby Football Club Incorporated
- 2 A majority of the members of HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB INCORPORATED has consented to the application for the incorporation of the Society, and that such consent has been obtained at the inaugural meeting of the Society held on 5 October 1993 such meeting having been duly convened in accordance with the rules of Hutt Old Boys Marist Rugby Football Club Incorporated
- 3 The Rules as set out in the attached document marked "A" and signed or sealed by the subscribers are the Rules of the Society

I MAKE this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Oaths and Declarations Act 1957

DECLARED at Lower Hutt
on 22 OCTOBER 1993
before me

~~A Justice of the Peace/Solicitor of the High Court of New Zealand/Notary Public or other person authorised to take a Statutory Declaration~~

APPLICATION FOR INCORPORATION

XXXX

HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB INCORPORATED

DOC	1
2810	
Initials	<i>[Signature]</i>

WE the persons whose names are signed below and who are members of the Society, make application for the incorporation of the Society under the attached Rules in accordance with the Incorporated Societies Act 1908

DATED

5 October 1993

XXXX

SIGNATURE, OCCUPATION AND ADDRESS OF APPLICANT

SIGNATURE, OCCUPATION AND ADDRESS OF WITNESS

[Signature]

Sales Manager 141 Clouston Pk Rd

[Signature]

Pub Manager 8 Roxburgh Street

[Signature]

Assurance Agent. 64 Cambridge Terrace, Lower Hutt

[Signature]

MANAGER 6 ST. LUKE'S ST L/HUTT

[Signature]

Handdresser 170 WAINMERE RD L/HUTT

[Signature]

Handdresser 941d High St L.Hutt

[Signature]

Manager 23 Viewmont Dr Lower Hutt

[Signature]

Civil Engineer 10 Holly St., Manurewa

[Signature]

Private Investigator 10 London Rd Korokoro

[Signature]

Retired 8 Bellevue Rd Lower

[Signature]
John David Hutt.
witness to all signatures



APPLICATION FOR INCORPORATION

~~XXX~~

HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB INCORPORATED

WE the persons whose names are signed below and who are members of the Society, make application for the incorporation of the Society under the attached Rules in accordance with the Incorporated Societies Act 1908

DATED 5 October 1993

~~1993~~
~~XXXX~~

SIGNATURE, OCCUPATION AND ADDRESS OF APPLICANT

SIGNATURE, OCCUPATION AND ADDRESS OF WITNESS



*P. K. Duvall Sales Support Mgr 14 Tuist. Lower Hutt.
14 Baycl. 28 Pilmuir ST Lower Hutt.
Technician.*

*P. H. W. CIVIL SERVANT 5 HOLBORN DRIVE STONES VALLEY
Liam J. J. - Electrician - 2 Moana Grove Lower Hutt.*

W. AIRLINE SERVICEMAN 18 WHITEHAPPE CR - STONES VALLEY

W. J. H. Engineer. 3. Stambour Ln Red Hill

*John J. J.
Witness
Witness to all signatures*

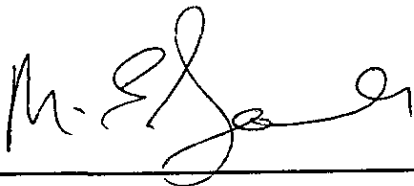
"A"

Doc	3
2810	
Initials	

HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB INCORPORATED

RULES

THIS IS the paper writing marked "A" mentioned and referred to in the attached declaration of IAN NIGEL STIRLING of Lower Hutt, Solicitor declared at Lower Hutt on 1993 before me

X  _____

~~A Justice of the Peace/Solicitor of the High Court of New Zealand/
Notary Public or other person authorised to take a Statutory Declaration~~

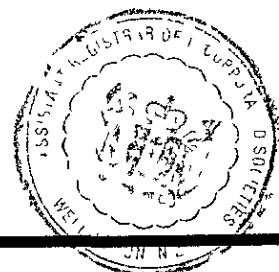
RULES OF

HUTT OLD BOYS MARIST
RUGBY FOOTBALL CLUB
INCORPORATED

1993

GIBSON SHEAT
Solicitors
Lower Hutt

NISHUTT A01NMT



CERTIFICATE OF INCORPORATION

of

**HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB
INCORPORATED
(WN/600255)**

This is to certify that HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB INCORPORATED was incorporated under the Incorporated Societies Act 1908 on the 22nd day of October 1993

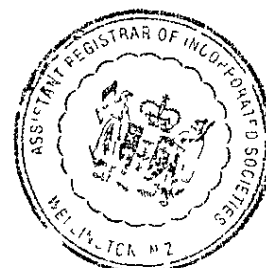


Neville Harris

Neville Harris
Registrar of Incorporated Societies
Dated 29th day of October 1993

INDEX

<u>Clause No</u>	<u>Heading</u>
1	Name
2	Definitions
3	Objects
4.	Affiliations
5	Junior Divisions
6	Playing Colours
7	Membership
8	Life Membership
9	Club Service Awards
10	Termination of Membership
11	Annual Subscriptions
12.	Patrons
13.	Officers
14	Duties of the Committee
15	Powers of the Club
16	Meetings
	16.1 AGM
	16.2 Purpose of AGM
	16 3 Special General Meeting
	16 4 Procedure at Meetings
	16.5 Quorum
	16 6 Notice of Business
17	Service of Notices
18	Common Seal
19	Control of Funds
20	Application of Profits
21	Auditor
22	Registered Office
23	Where No Rule Applies
24.	Regulations
25.	Alteration of the Rules
26	Winding up and Disposition of Surplus Assets
27	Confidentiality
28	Indemnity
29.	Liability of Members
30	Financial Year
31.	Interpretation



"A"

Hutt Old Boys Marist Rugby Football Club
PROPOSED ALTERATION OF RULES

1 That the existing rules 13 1 and 13 4 be repealed and replaced with the following new rules

"13 OFFICERS

13 1 At every Annual General Meeting the Club shall

Elect the following Officers

- a President
- b Three Directors comprising the Board of Directors
- c Treasurer

Elect the following Honorary Holders

- a Auditor
- b Solicitor"

2 That existing rule 13 5 be renumbered as new Rule 13 4

3 That the existing rules 14 2 and 14 3 be repealed and replaced with the following new Rules

"14 2 It is the duty of the Board of Directors to formulate club policies and procedures and to be responsible for the operation of the club and to ensure that proper accounts and other records of the business of the club are maintained and to notify members of intended meetings and business to be transacted at those meetings and to prepare and submit to the Annual General Meeting a Report, Balance Sheet and Statement of Accounts for the preceding year Meetings of the Board of Directors may be convened at such times and places as the Chairperson of the Board of Directors decides The Board of Directors may employ a Business Manager, Rugby Manager and such other persons as appropriate to perform the operational activities of the club

14 3 At all Board of Directors meetings two Directors shall constitute a quorum "

4 That all references in the Rules to "committee" be removed and replaced with the words "Board of Directors"

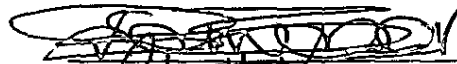


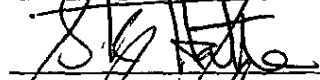
5 That all references in the Rules to "Secretary" be removed and replaced with the words "Chairperson of the Board of Directors"


6 That existing Rule 26 be amended by adding a new Rule 26 3 as follows

"If upon the winding up or dissolution of the organisation there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the organisation but shall be given or transferred to some other charitable organisation or body having objects similar to the objects of the first organisation, or for some other charitable purpose, within New Zealand "


Dated 4 December 1996

 _____ MEMBER

 _____ MEMBER

 _____ MEMBER

THIS IS the paper writing marked "A" mentioned and referred to in the attached declaration of IAN NIGEL STIRLING declared at Lower Hutt on 9 June 1997 before me

X  _____
 A Justice of the Peace/Solicitor of the High Court of New Zealand/
~~Notary Public or other person authorised to take a Statutory Declaration~~

Samantha Naidoo
Solicitor
Wellington

ms\hobm f01\cc



Alteration of rules registered, this 16TH
 day of JUNE, 1997
SYDNEY JOHN REWETT
 Assistant Registrar of Incorporated Societies
 Wellington

RULES OF
HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB
INCORPORATED

1 NAME

- 1.1 The name of the Club is **HUTT OLD BOYS MARIST RUGBY FOOTBALL CLUB INCORPORATED** ("the Club")

2 DEFINITIONS

- 2.1 "Original Clubs" shall mean The Hutt Valley Marist Rugby Football Club incorporated and/or The Hutt Old Boys Rugby Football Club Incorporated

3. OBJECTS

- 3 1 The objects of the Club are:

- a To promote and develop to a high standard the playing coaching, administration and enjoyment of the game of Rugby Football Union in the Hutt Valley in accordance with the rules of the game and the requirements of the New Zealand Rugby Football Union.
- b To promote and develop any other sport or activity authorised by the Committee.
- c To provide facilities for the use of members and other persons
- d To promote a spirit of union and Club identity amongst members.

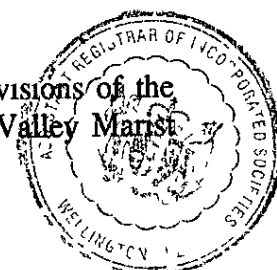
4 AFFILIATIONS

- 4 1 The Club shall be affiliated to the following bodies.

- a The Wellington Rugby Football Union.
- b. The New Zealand Marist Rugby Football Federation
- c. The North Island Marist Rugby Football Association.

5 JUNIOR DIVISIONS

- 5.1 The Club shall have two Junior divisions being those two Junior divisions of the original Clubs. The two divisions shall continue to be called Hutt Valley Marist



Rugby Football Club Juniors and Hutt Old Boys Rugby Football Club Juniors and each junior division shall be part of the Club

6 **PLAYING COLOURS**

6 1 The playing colours shall be Red, Emerald Green and White

7 **MEMBERSHIP**

7 1 Membership of the Club consists of

- a. The signatories to these Rules,
- b. For the purposes of the first meeting of the Club, those persons who are at the date of adoption of these rules financial members of either of the original Clubs,
- c. Such persons as may be elected as Life Members in accordance with the procedure set down in Rule 8;
- d. Such persons as may be approved by the Committee for playing or honorary membership and who pay upon request the annual subscription

7 2 Every Member of the Club is deemed to have notice of the Rules and regulations of the Club and shall be bound by them

8 **LIFE MEMBERSHIP**

8 1 The life members of the original Clubs shall be deemed to have been elected as life members of the Club

8 2 Life membership may be conferred at any General Meeting on any person who has rendered outstanding service to the Club and/or either of the original Clubs

8 3 The required majority for election of a life member shall be 75% of those present at a General Meeting

8.4 All nominations for life membership shall be given in writing to the secretary of the Club, at least 28 days before the General Meeting The nomination shall specify reasons in support of the nomination

8 5 The nomination shall not go forward to the general meeting unless it is ~~is~~ ^{first} approved by the Committee

8.6 Life Membership shall be the highest recognition given by the Club for outstanding service to the Club.



9 **CLUB SERVICE AWARDS**

9.1 Club Service Awards shall be awarded to those persons who have given meritorious service to the Club and/or either of the original Clubs.

9.2 The award is separate from Life Membership and a recipient of a Club service award remains eligible for Life Membership

9.3 Club service awards shall cover service given in areas such as (but not limited to):

- a Administration
- b Coaching
- c Managing
- d Financial Contribution
- e Fundraising
- f Club Promotion
- g Playing.

9.4 The manner of nomination and election of recipients of Club service awards shall be the same as that procedure set down for Life Membership in Rules 8.2, 8.3, 8.4 and 8.5, provided that in Rule 8.2 the requirement shall be "meritorious service" and not "outstanding service"

9.5 The recipients of Club service awards shall be recorded in a register and shall be recorded in the Annual Report. Recipients shall receive a blazer pocket, badge or other record of their award, as decided from time to time by the Committee

10 **TERMINATION OF MEMBERSHIP**

10.1 Any Member of the Club including any Patron, Life Member, Officer, delegate or Honorary appointee who fails in the observance of any rule or regulation of the Club which for the time being Members are expected to observe, or whose character is considered by the Committee to be undesirable may be removed from the Club by a resolution to that effect passed by the Committee

10.2 Any person ceasing to be a Member of the Club remains liable to the Club for all subscriptions and other moneys which may have become due prior to cessation of membership. Such person shall return to the Club any property of the Club then in that person's possession or under that person's control.

10.3 The Club shall be entitled to withhold consent to a transfer of a player until the player has complied with Rule 10.2



11 **ANNUAL SUBSCRIPTIONS**

11 1 The Committee has the power to determine

- a the amount of the annual subscription payable by Members
- b The date upon which payment is due

11 2 A Member is not entitled to vote or take advantage of membership in any way until such Member's subscription and/or arrears of subscription are paid provided that 1993 membership of either of the original Clubs shall entitle persons to vote at the first meeting of the Club

12 **PATRONS**

12 1 The Patrons of the Club shall be the persons who from time to time fill the following positions

- a The Headmaster/Mistress of Hutt Valley High School
- b The Principal of St Bernards College
- c The Rector of St Patricks College, Silverstream
- d. Such other persons elected as Patrons in accordance with Rule 12 2

12 2 The manner of nomination and election of additional Patrons shall be the same as that procedure set down for Life Membership in Rules 8 3, 8 4 and 8 5

13 **OFFICERS**

13 1 At the first meeting of the Club and at every Annual General Meeting thereafter the Club shall elect

A Committee of the following officers.

- a President
- b Secretary
- c Treasurer
- d Two Club Captains
- e. Eight other Committee Members



Honorary position holders

- a Solicitor
- b Auditor

13 2 The Committee shall appoint persons to hold the following further positions.

Delegates to the following bodies

- a The Wellington Rugby Football Union
- b The New Zealand Marist Rugby Football Federation
- c. The North Island Marist Rugby Football Association
- d The Hutt Valley Marist Sports Association (until termination of membership by the Club)

Honorary position holders as follows

- a Physician
- b Physiotherapist

13 3 The Officers delegates and Honorary appointees shall hold office until retirement or removal from office or election of successors to office A firm or Company may be appointed to hold any of the Honorary positions

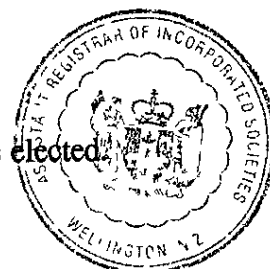
13 4 The following rules shall apply for election of officers for the 1994 and 1995 seasons

- a. 1 Club Captain from each of the original Clubs
- b. 4 Committee members from each of the original Clubs
- c The President shall not be from the same original Club as the Chairperson

13 5 The Committee has power to appoint a Member to fill any casual vacancy on the Committee until the next Annual General Meeting Any Member so appointed must retire at the next Annual General Meeting together with the rest of the Committee but all or any of the retiring Committee are eligible for re-election

14 DUTIES OF THE COMMITTEE

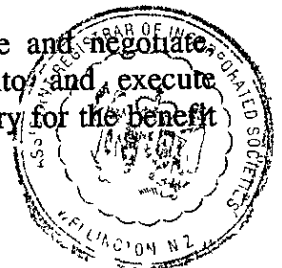
14.1 At the first meeting of the Committee a Chairperson shall be elected.



- 14 2 It is the duty of the Committee generally to conduct the affairs of the Club, to keep usual and proper books of account and other records of the business of the Club and to notify Members of intended meetings and the business to be transacted at those meetings and to prepare and submit to the Annual General Meeting a report, balance sheet and statement of account for the preceding year Meetings of the Committee may be convened at such times and places as the Secretary (or in the case of the Secretary's absence, inability or refusal to act, the Chairperson) appoints
- 14 3 At all Committee meetings 6 members constitute a quorum.
- 14 4 The Committee shall have and may exercise all the powers of the Club which are not expressly required to be exercised by the Club in general meeting or as otherwise provided by these rules
- 14 5 Decisions of the Committee shall be determined by a majority of votes cast by the Committee members present at a meeting The Chairperson shall have a deliberative vote and in the case of equality of voting the Chairperson shall have a casting vote.
- 14.6 The Committee shall fix, from time to time job descriptions for all office bearers, delegates, coaches, managers and others involved in the operation of the Club

15 POWERS OF THE CLUB

- 15 1 In addition to any power conferred by these Rules the Club has the following powers which are to be exercised in furtherance of the objects of the Club
- a. To enter into any arrangement (including financial arrangements) with any institution or organisation where such arrangement is entered into in the reasonable expectation of benefit to the Club
 - b. To settle questions or disputes on any matter involving members or relating to rugby or any aspect of the Club which may be submitted to the Club for its adjudication.
 - c. To borrow or secure the payment of money in such a manner as the Club shall think fit and in particular by mortgages, debentures, or debenture stock, perpetual or otherwise, charges upon all or any of the Club's undertakings, goodwill, property and assets (both present and future) including its future acquired property and to purchase, redeem, and pay off such securities
 - d. To draw, make, accept, endorse, discount, execute, issue and negotiate negotiable or transferable instruments and to enter into and execute guarantees for such purposes as may be reasonably necessary for the benefit of the Club or of its members



- e To sell, hire, loan, improve, manage, develop, exchange, lease, grant licences in respect of, mortgage, charge, dispose of, or otherwise deal with all or any part of the property and rights of the Club.
- f To invest, lend and deal with the moneys of the Club, not immediately required for carrying on its business, upon such securities and in such manner as from time to time may be determined
- g To appoint, remove or suspend any officer, Patron, Life Member, delegate or Honorary appointee of the Club.
- h To raise money by subscriptions and to Solicit donations, gifts and bequests and to grant any rights and privileges to subscribers and donors
- i To arrange for the representation of the Club on any corporate body or bodies formed for the purpose of promoting or controlling sport in the Hutt Valley and Wellington
- j To promote and hold either alone or jointly with any other Club, dinners, concerts, balls, tournaments or other social functions or entertainment
- k The direction of the majority of members having been first obtained at an Annual or Special General Meeting, to take steps to assess amalgamation with or promotion of or joint dealings with any other Club, association or society whose objects are similar either wholly or in part to the objects of this Club
- l To obtain all such licences and permits, including Licences under the Sale of Liquor Act 1989, or any Act or Acts passed in substitution of that Act
- m To confer, but only way of unanimous resolution of the Committee, "Benefactor status" upon a member who has made a major financial contribution, such contribution not being part of a sponsorship agreement, and such status lasting only for the financial year in which the financial contribution has been made.
- n. To do all such other lawful things as are incidental or conducive to the attainment of any of the objects of the Club

16 **MEETINGS**

16 i **Annual General Meeting**

The Club must hold an Annual General Meeting once in every calendar year at such time, date and place as the Committee shall determine but not more than 15 months after the last Annual General Meeting.



16 2 Purpose of Annual General Meeting

The meeting shall be called for the following purposes

- a. To receive from the Committee a report, balance sheet and audited statement of account for the preceding year
- b. To elect the Committee, delegates and honorary position holders for the ensuing year
- c. To decide on any motion which has been properly submitted to the Secretary in writing not less than twenty eight days prior to the Annual General Meeting

16 3 Special General Meeting

16 3 1 The Secretary shall call a special general meeting upon a written request from either

- a The Committee
- b 20 Members.

16 3 2 The written request shall state the purpose for which the meeting is requested

16 4 Procedure at Meetings

The procedure at all general meetings shall be as follows

- a The President or secondly if the President is absent unable or unwilling to do so the Committee Chairperson or other suitable person appointed by the meeting, shall take the chair
- b Every financial Member is entitled to 1 vote on every motion such vote to be exercised in person
- c Unless otherwise required by these Rules, a simple majority shall be required to pass any motion In the case of an equality of votes the Chairperson has a casting as well as a deliberative vote
- d. The mode of voting on all questions shall firstly be by voices, or secondly if two members or the Chairperson so require by a show of hands; or thirdly if two members or the Chairperson so require by poll
- e On all elections where there are more candidates than positions available, voting shall be by secret ballot for which purpose no less than 2 scrutineers are to be appointed at the meeting



16 5 **Quorum**

At all General Meetings 30 financial Members constitute a quorum

16 6 **Notice of business**

At least fourteen clear days before either a Special General Meeting or the Annual General Meeting a notice must be given of the date, place and time for the meeting and of the business to be transacted at that meeting together with a copy of the report and balance sheet in the case of the Annual General Meeting. The notice must be sent to every financial Member and no business other than that of which notice has been so given can be brought forward at such meeting

17 **SERVICE OF NOTICES**

17 1 Every notice required to be given to the Members or any of them is deemed to have been duly delivered if posted to the Member at the Member's last known place of business or residential address

18. **COMMON SEAL**

18 1 The Club must provide a common seal which is to remain in the custody of the Secretary or such other person as may be nominated by the Committee. The use of the seal can be authorised only by resolution of the Committee and its application is to be witnessed by the Chairperson and the Secretary or one other Member of the Committee

18 2 Every authorisation for application of the seal must be recorded in the minutes of the Committee and a copy of every document to which the seal has been affixed must be retained by the Secretary

19. **CONTROL OF FUNDS**

19 1 The funds of the Club are to be devoted solely to the furtherance of the objects of the Club as set out in these Rules and are to be under the control of the Committee.

19 2 All monies received by or on behalf of the Club must forthwith be paid to the credit of the Club in an account with such bank as is from time to time be fixed by the Committee. All cheques or withdrawal slips drawn on the account must be signed by the Chairperson and the Secretary or one other Committee Member.



20 **APPLICATION OF PROFITS**

21 1 The income and property of the Club from wherever derived, are to be applied solely towards the promotion of the objects of the Club as set forth in these Rules and no portion of such income or property is to be paid or transferred directly or indirectly by way of profit to the Members of the Club

21 **AUDITOR**

21 1 The books of the Club must be audited annually and reported upon by an auditor appointed at the annual general meeting of the Club

21 2 Such auditor cannot hold any other office in the Club and is to receive such fee as may be fixed from time to time by the Committee. If a vacancy occurs in the office of auditor during any year the Committee is to appoint an auditor to hold office until the next Annual General Meeting

22 **REGISTERED OFFICE**

22 1 The registered office of the Club is to be at such place as the Committee from time to time determines. Due notice of any change of office is to be given to the Registrar of Incorporated Societies

23. **WHERE NO RULE APPLIES**

23 1 If any case arises which in the opinion of the Committee is not provided for in these Rules it shall be decided by the Committee which must act in what it considers to be the best interests of the Club but whose decision is final

24 **REGULATIONS**

24 1 The Club has the power to make, alter or cancel regulations not inconsistent with these Rules for the conduct and behaviour of Members or any other matter related to the affairs of the Club. Regulations take effect and become binding on all Members 14 days after notice of the regulations has been given by circular to all Members of the Club

25 **ALTERATION OF THE RULES**

25 1 These Rules may be altered, added to or cancelled by resolution passed at a General Meeting of the Club provided that at least 14 days notice of the motion has been given to members.



26 **WINDING UP AND DISPOSITION OF SURPLUS ASSETS**

26 1 The Club must be wound up if the Club, at a General Meeting of its Members, passes a resolution by a seventy five per cent majority requiring the Club to be wound up and the resolution is confirmed by a similar majority at a subsequent General Meeting called for that purpose and held not earlier than 30 days after the date on which the resolution so to be confirmed is passed

26.2 In the event of the Club being wound up the surplus assets after payment of the Club's liabilities and the expenses of the winding up are to be applied to such body or bodies which have similar objects to the Club, provided that the payment or payments to the recipient body or bodies are approved by a simple majority of members at the subsequent meeting.

27 **CONFIDENTIALITY**

27 1 All information in any way relating to the affairs of the Club or of any Member of the Club which is received by a Member is to be treated as secret and confidential This obligation of secrecy and confidence continues indefinitely notwithstanding the termination of such Member's membership of the Club

28 **INDEMNITY**

28 1 No legal action or other claim may be taken by any Member against any other member of the Club or Committee or officer who acts pursuant to these Rules notwithstanding any irregularity or informality occurring in any act, matter or thing done by that other member No member of the Committee is liable for any loss or expenses of the Club or of any Member unless the loss or expense occurs as a result of wilful default or dishonesty

29 **LIABILITY OF MEMBERS**

29 1 No Member is under any liability in respect of any contract, debt or other obligation made or incurred by the Club



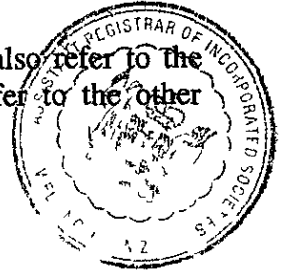
30 **FINANCIAL YEAR**

30 1 The Club financial year shall run from 1 October to 30 September

31 **INTERPRETATION**

31.1 In these Rules:

- a. words referring to persons include firms, partnerships, companies and corporations,
- b. where the context permits, words referring to the singular also refer to the plural and vice versa and words importing one gender refer to the other gender.



.....
Incorporated at Wellington this *22nd*
day of *October*, 19 *93*
[Signature]
.....
(Assistant Registrar of Incorporated Societies)
.....